



**Government Information
(Public Access)
Act 2009
Agency Information Guide**

Date of Adoption: 20th June 2017

Contents

| | |
|--|-----------|
| DEFINITIONS: | 3 |
| PART 1 - ABOUT GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009 | 4 |
| 1.1 Introduction | 4 |
| 1.2 Object of Act (extract from GIPA Act 2009) | 4 |
| PART 2 – UNDERSTANDING YOUR COUNCIL AND ITS FUNCTIONS | 5 |
| 2.1 Structure and Functions of New England Tablelands (Noxious Plants) County Council, trading as New England Weeds Authority (NEWA) | 5 |
| 2.2 Functions Relating to New England Weeds Authority (NEWA) | 6 |
| 2.3 How Council Functions Affect Members of the Public | 7 |
| PART 3 - PUBLIC PARTICIPATION | 7 |
| PART 4 - OPEN ACCESS INFORMATION | 8 |
| 4.1 Documents Held by Council | 8 |
| 4.2 Electronic and "Physical" Files | 8 |
| 4.3 General Documents | 8 |
| 1. Information about Council | 9 |
| 2. Plans and Policies | 9 |
| 3. Information about Development Applications | 9 |
| 4. Approvals, Orders and Other Documents | 9 |
| 4.4 Policy Documents | 9 |
| 4.5 Register of Government Contracts | 10 |
| 4.6 Disclosure Log | 10 |
| 4.7 Accessing Information in the Disclosure Log | 10 |
| PART 5 - HOW MEMBERS OF THE PUBLIC MAY ACCESS INFORMATION | 11 |
| 5.1 Accessing Information | 11 |
| 5.2 Accessing Information identified in the Publication Guide | 11 |
| 5.3 Types of Applications | 11 |
| 5.4 Making a Formal Application | 12 |
| 5.5 Submitting your Application | 12 |
| 5.6 Fees & Charges | 12 |
| PART 6 - REVIEW OF DECISIONS | 13 |
| 6.1 Internal Review | 13 |
| 6.2 External Review | 13 |
| 6.3 Internal Hierarchy Chart Relating to Access to Information | 14 |
| PART 7 – FEEDBACK AND ENQUIRIES | 15 |
| 7.1 Contact Arrangements | 15 |
| 7.2 Office of the Information Commissioner - NSW | 15 |
| CHARTS | |
| Chart One: Organisational structure flowchart: - New England Tablelands (Noxious Plants) County Council (t/a New England Weeds Authority) | 6 |
| Chart Two: Internal Hierarchy Chart Relating to Access to Information | 14 |

Definitions:

Access application means an application for access to government information under Part 4 of the Government Information (Public Access) Act 2009 that is a valid access application under that Part.

Agency Information Guide means a guide that:

- a) describes the structure and functions of Council, and
- b) describes the ways in which the functions (including, in particular, the decision making functions) of Council affect members of the public, and
- c) specifies any arrangements that exist to enable members of the public to participate in the formulation of Council's policy and the exercise of Council's functions, and
- d) identifies the various kinds of government information held by Council, and
- e) identifies the kinds of government information held by Council that Council makes (or will make) publicly available, and
- f) specifies the manner in which Council makes (or will make) government information publicly available, and
- g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Disclosure Log means a disclosure log kept by an agency under Part 3 (Open access information).

External review means a review by another agency excluding Council eg. Office of the Information Commissioner NSW.

Government Information (Public Access) Act means the legislation that now governs access to government information in NSW.

Information Commissioner means the Information Commissioner under the *Government Information (Information Commissioner) Act 2009*.

Internal review means a review by the head or chief executive officer (however designated) of Council.

PIIP Act means the Privacy and Personal Information Protection Act 1998 to provide for the protection of personal information and for the protection of the privacy of individuals generally.

Principal Officer of Council means the head or chief executive officer (however designated) of Council or the person of greatest seniority.

Public Officer means an officer employed by Council delegated authority to deal with:

- requests from the public concerning Council's policies and procedures;
- assisting the public to gain access to publicly available documents of the Council;
- accepting service of documents on behalf of Council and
- representing the Council in any legal or any other proceedings.

Register of Government Contracts means a register of the following contracts between Council and a private sector entity:

- (a) a contract under which a party agrees to undertake a specific project (such as construction, infrastructure or property development project)
- (b) a contract under which a party agrees to provide specific goods or services (such as information technology services), other than a contract of employment
- (c) a contract under which a party agrees to transfer real property to another party to the contract,
- (d) a lease of real property.

Right to Information Officer means an officer employed by Council capable of providing information from a particular area for an *informal* application.

Senior Right to Information Officer means an officer employed by Council to determine and process a *formal* application made under the GIPA Act 2009 and is senior to a Right to Information Officer.

Part 1 - About Government Information (Public Access) Act 2009

1.1 Introduction

Government Information (Public Access) Act, (GIPA Act) is the New South Wales Government's approach to giving the community greater access to government information.

The New South Wales' Government has made a commitment to provide access to information held by the Government, unless on balance there is an overriding public interest against disclosure.

The GIPA Act is the legislation replacing the previous *Freedom of Information Act 1989 (FOI Act)* and Section 12, 12A, 12B and 13 of the *Local Government Act 1993* that came into effect on 1 July 2010.

In addition there have been amendments to the NSW *Privacy and Personal Information Protection Act 1998 (PPIPA)* that transferred amendment provisions of the FOI Act to PPIPA.

There are four main ways information is made available under the GIPA Act, namely;

- Mandatory proactive release;
- Authorized proactive release;
- Informal release; and
- Access applications.

The Right to Information reform aims to:

- make more information available;
- provide equal access to information across all sectors of the community; and
- provide appropriate protection for individuals' privacy.

1.2 Object of Act (extract from GIPA Act 2009)

(1) *In order to maintain and advance a system of responsible and representative democratic Government that is open, accountable, fair and effective, the object of this Act is to open government information to the public by:*

- authorising and encouraging the proactive public release of government information by agencies, and*
- giving members of the public an enforceable right to access government information, and*
- providing that access to government information is restricted only when there is an overriding public interest against disclosure.*

(2) *It is the intention of Parliament:*

- that this Act be interpreted and applied so as to further the object of this Act, and*
- that the discretions conferred by this Act be exercised, as far as possible, so as to facilitate and encourage, promptly and at the lowest reasonable cost, access to government information.*

Part 2 – Understanding Your Council and Its Functions

2.1 Structure and Functions of New England Tablelands (Noxious Plants) County Council, trading as New England Weeds Authority (NEWA)

New England Tablelands (Noxious Plants) County Council (trading as the New England Weeds Authority) is a County Council constituted under Section 387 of the Local Government Act 1993. The constituent members comprise the Councils of Armidale Regional (as from 12th May 2016), Uralla and Walcha. The Council also has a responsibility to administer functions under the Noxious Weeds Act 1993. The Council has adopted a structure to reflect the requirements of both Acts. This structure also enables clear responsibility and accountability for outcomes set out in Council's Plan of Management.

The County Council has a membership of 2 Councillors, one each from, Uralla Shire and Walcha Councils and the Administrator of Armidale Regional Council. Councillors are elected by the residents and ratepayers of their respective Local Government areas for a four year term. Once a Councillor is elected by their own Council as a delegate to the County Council they continue in that capacity for a corresponding four year term of office. As a result of the amalgamation of the previous constituent member Councils of Armidale Dumaresq and Guyra Shire by proclamation on 12th May 2016 to form the new Armidale Regional Council, the newly formed Council will be represented by the appointed Administrator until the election for Councillors which will take place on 9th September 2017.

The roles of the Councillors as members of the County Council are:

- to direct and control the affairs of the Council in accordance with the Local Government Act, Noxious Weeds Act and other applicable legislation;
- to participate in the optimum allocation of the Council's resources for the benefit of the region;
- to play a key role in the creation and review of the Council's policies, objectives and criteria relating to the exercise of the Council's regulatory functions;
- to review the performance of the Council and its delivery of services, management plans and revenue policies of the Council.

The role of a Councillor as an elected person is:

- to represent the interests of their constituent Councils, residents and ratepayers;
- to provide leadership and guidance to the community;
- to facilitate communication between the community and the Council.

The Chairperson, who is elected from the membership of the Council, presides at meetings of the Council, exercises the policy making functions of the Council between its meetings and performs any other functions that the Council determines.

The Principal Officer of the Council is the General Manager. The General Manager is responsible for the efficient operation of the Council's organisation and for ensuring the implementation of Council decisions. The General Manager is also responsible for the day to day management of the Council, the exercise of any functions delegated by the Council, the appointment, direction and where necessary, the dismissal of staff.

To assist the General Manager in the exercise of these functions, there is a multi-skilled service delivery team.

The following is a depiction of Council's organisational structure.

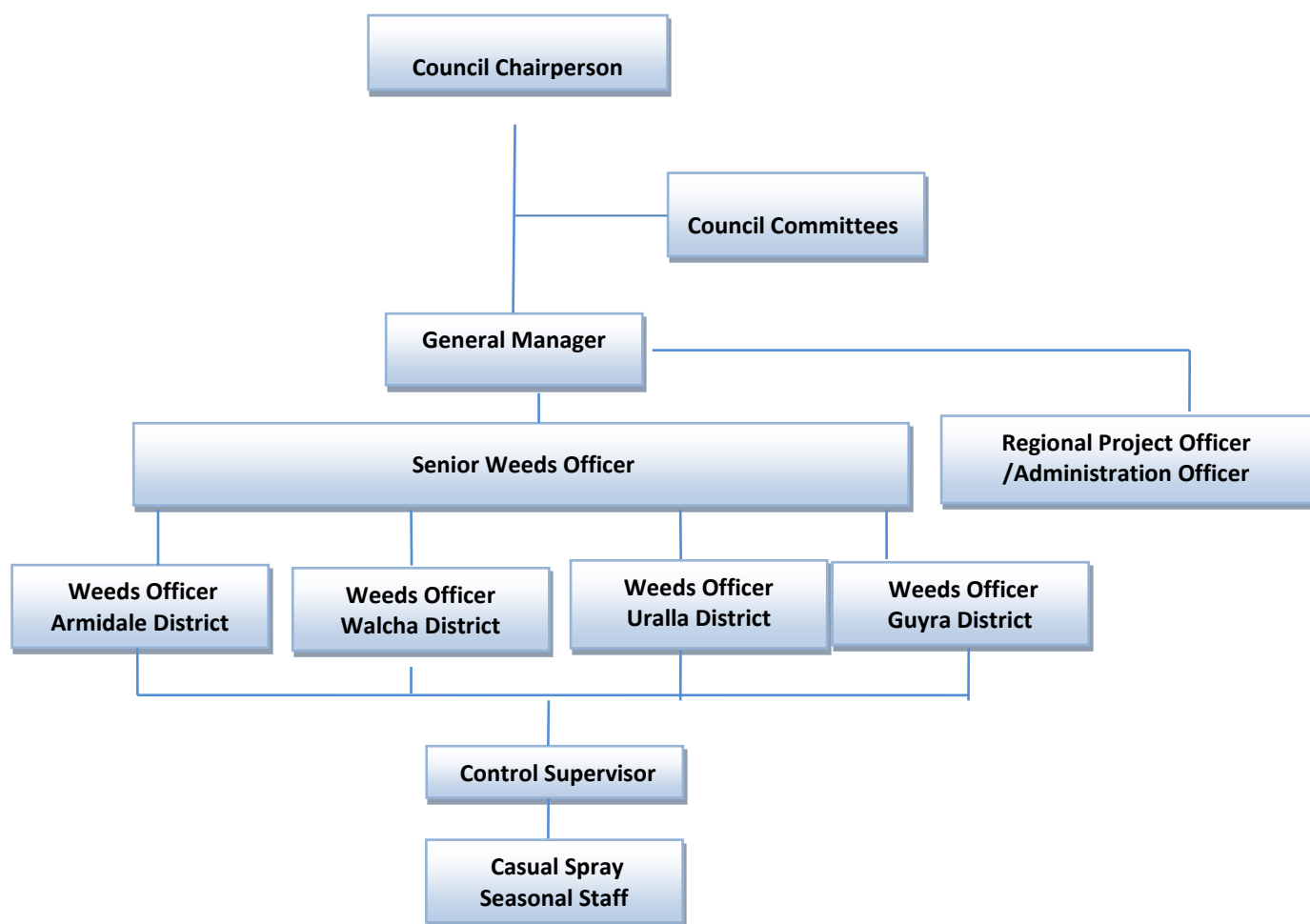


CHART 1: ORGANISATIONAL STRUCTURE FLOWCHART: NEW ENGLAND TABLELANDS (NOXIOUS PLANTS) COUNTY COUNCIL (Trading as NEW ENGLAND WEEDS AUTHORITY)

2.2 Functions Relating to New England Weeds Authority (NEWA)

The General Manager (part-time position) is assisted by five permanent Weed Officers, a Weed Control Supervisor, Administration Officer (part-time) and three casual weed control staff. All Weed Officers are multi-skilled and involved in administrative support, inspection of Council controlled land and private properties, treatment of noxious and environmental weeds, assisting and educating the public in weed identification and control. Council staff are also involved with other agencies, authorities and organisations where weed management is an objective.

As well as the Local Government Act, Council has powers under a number of other Acts including:

- Government Information (Public Access) Act 2010*
- Biosecurity Act 2015*
- Privacy & Personal Information Protection Act 1998*
- Protection of the Environment Operations Act 1997*
- Roads Act 1993*

2.3 How Council Functions Affect Members of the Public

As a single purpose service organisation, the activities of New England Tablelands (Noxious Plants) County Council have an environmental and agricultural based impact on the public. The following is an outline of how the broad functions of Council affect the public.

Council's activities of property inspection and weed control require staff to make contact with landholders and arrange the inspection of all properties throughout the member Council areas. Members of the public must be aware of, and comply with regulations provided for under the Biosecurity Act 2015. In instances where landholders fail to respond to advice, warnings, control reports and the issuing of notices, Council may institute legal proceedings.

Council staff are actively involved in organising and attending field days, agricultural shows, livestock sales, market days and joint Landcare field days providing support and advice to the wider community on weed management and control methods.

Council's administrative functions do not necessarily affect the public directly but have an indirect impact on the community through the efficiency and effectiveness of the service provided.

Part 3 - Public Participation

Members of the public may become involved in Council's decision making process in a number of ways. This can be by personal attendance at Council meetings, making representations to Council, or individual Councillors, or by nominating for election to any one of the constituent Councils.

Formal written submissions are accepted for consideration and should be addressed to the General Manager.

In NSW, local government elections are held every four years. The next elections are to be held in September 2020. Other than the newly formed Armidale Regional Council which is scheduled for September 2017 (refer to abovementioned comments)

As a Local Government organisation, Council is focussed on servicing the local community it represents, consultation, opinions, comments, concerns and suggestions are actively sought and welcomed to ensure that Council's decisions are timely, relevant and reflect contemporary standards and expectations.

Council meets on a quarterly basis on the fourth Tuesday of the month at the Council administration office at 129 Rusden St, Armidale.

Part 4 - Open Access Information

4.1 Documents Held by Council

Council holds documents (hard copy and/or electronic form) that relate to a number of different issues concerning the NEWA area. These documents are grouped into four categories:

- Electronic Documents
- Physical Files
- Policy and Procedure Documents
- General Documents

Documents included in Clause 4.4 of this Publication Guide may be made available to the public on request unless there is an overriding public interest not to do so.

Some documents may require a formal access application in accordance with the Government Information (Public Access) Act.

4.2 Electronic and Physical Files

Council currently has a hard copy/physical file system and an Electronic Document Management System (EDMS).

The current filing system captures information against the following categories:

- Property inspection records
- Weed treatment records
- Staff records
- Administration records
- Financial records
- Council meetings – agendas, business papers, minutes

This information is made available in accordance with the GIPA Act, unless there is an overriding public interest against disclosure of the information as outlined in Section 14 of the GIPA Act. People seeking access to this information can do so by contacting Council at the Armidale office, 129 Rusden St Armidale during office hours between 7.30am and 4.30pm Monday to Friday.

4.3 General Documents

The following list of general documents held by Council has been divided into four sections as outlined in Government Information (Public Access) Regulation 2009:

- Information about Council;
- Plans and Policies;
- Information about Development Applications;
- Approvals, Orders and other Documents.

The Government Information (Public Access) Regulation requires that these documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the offices of the Council during ordinary office hours or at any other place as determined by the Council. Any current and previous documents of this type may be inspected by the public free of charge. Copies can be supplied for reasonable copying charges.

These documents are:

1. Information about Council

The model code prescribed under section 440 (1) of the LGA

Councils adopted Code of Conduct

Code of Meeting Practice

Annual Report

Annual Financial Reports

Annual Operational Plan

Auditor's Report

Business Activity Strategic Plan

4 Year delivery Plan

EEO Management Plan

Policy concerning the Payment of Expenses Incurred by, and the Provision of Facilities to, Councillors

Any Codes referred to in the LGA

Returns of the Interests of Councillors, Designated Persons and Delegates

Agendas and Business Papers for any meeting of Council or any Committee of Council

Minutes of any meeting of Council or any Committee of Council

Register of Investments

Register of Delegations

Register of current Declarations of Disclosures of Political donations

2. Plans and Policies

Local Policies adopted by Council concerning approvals and orders

3. Information about Development Applications

Not applicable to NEWA.

4. Approvals, Orders and Other Documents

Applications for approvals under any other Act and any associated documents received;
Orders given under the Authority of any other Act.

4.4 Policy Documents

Council has a register of policy documents which is maintained by Council's Right to Information Officer and is available from Council's offices at 129 Rusden St Armidale. These policies are listed below:

Accident and Injury Management

Aerial Inspections

Annual Leave Policy

Annual Financial Reports

Annual Report

Annual Operational Plan

Auditor's Report

Related Party Disclosures

Policy

Bushfires

Casual Employees

Inspection Protocols

Internal Reporting Policy

Public Interest Disclosures Act 1994

Leave Provisions and Holidays

Business Activity Strategic

Plan

Minutes of Open Meetings of

Council and Committees

New Term Appointments

Priority Weed Control

| | |
|---|---|
| Chilean Needle Grass | Work Health and Safety Policy |
| Code of Conduct | Pecuniary Interest |
| | Disclosures by Councillors and Designated |
| Complaints | Payment of Expenses and the Provision of Facilities |
| Contracts Register | Policy |
| Contractors Engagement Policy | Gifts and Benefits Policy |
| Control Reports and Weed Control Notices | Pesticide Use Notification Plans |
| Council's Open Business Papers | Private Work |
| Credit Card Policy | Procurement of Goods & Services Policy |
| Delegations of Authority | Records Management Policy |
| Depots | Register of Investments |
| Disciplinary Procedures | Returning Term Appointments |
| | Risk Management Action Plan |
| Dress Standards | Safety |
| Drugs & Alcohol Policy | |
| Enforcement Policy | Safe Working Procedures |
| Equal Employment Opportunity | Saffron Thistle |
| External Audit | Situation Responses |
| Fees and Charges | Staff Appraisals |
| Grievances and Disputes | Supply of Goods and Services |
| Herbicides | Vacant Crown Land |
| Herbicide Handling and Application Procedures | Vehicles |
| Inspection Guidelines | |
| Investment Policy | Weeds Containment Protocol |

4.5 Register of Government Contracts

Council must keep an updated register of all contracts valued at \$150,000 (incl GST) or more, which are entered into with a private sector entity for a project, goods and services, or the sale, purchase or lease of real property. This Register can be accessed at Council's office at 129 Rusden St, Armidale.

This register is updated upon signing new contracts. Council will keep contracts on the register only for the 'public access period'. The 'public access period' is the period until the project to which the contract relates is complete, the goods and services concerned have been provided under that contract, the term of the lease has expired or the real property has been transferred.

4.6 Disclosure Log

Council's disclosure log will show information released under a formal access application under the GIPA Act since 1 July, 2010 that is considered to be of interest to the wider public. Under the GIPA Act, information that is:

- of a sensitive nature for example personal information
- considered commercial-in-confidence

has been removed from the documents prior to their release. It should be noted applicant's can object to inclusion in Council's disclosure log.

4.7 Accessing Information in the Disclosure Log

To obtain copies of any of the released documents shown in Council's disclosure log, you can either:

- a) Email a request to newa@newa.nsw.gov.au
- b) Send a written request to:
The General Manager
PO Box 881
ARMIDALE NSW 2350

Part 5 - How Members of the Public May Access Information

5.1 Accessing Information

New England Tablelands (Noxious Plants) County Council is committed to providing the community with open and transparent access to information about our services, activities and business operations. Much of this information is routinely provided in our corporate documents, which are identified in our Agency Information Guide (available at Council's office at 129 Rusden St Armidale). Council may release information in response to an informal request, unless there is an overriding public interest against disclosure. Reasonable copy charges may apply under Council's fees and charges.

5.2 Accessing Information identified in the Agency Information Guide

Information identified in the Agency Information Guide is available upon request by contacting staff at our Council office at 129 Rusden St Armidale, including the Guide itself.

5.3 Types of Application

In addition to accessing information on Council's web site and from Council's office, the public can also access information in the following two ways. No. 1 is an INFORMAL request and No. 2 is a FORMAL application.

1. **INFORMAL** requests for example:

- The informal release where Council is encouraged to release information in response to a request either via our email, telephone, post or in person.

There is no timeframe imposed on Council by the Act to provide this information.

NB: The Government Information (Public Access) Regulation 2009 provides that the documents held by Council, are to be made publicly available for inspection, free of charge. The public is entitled to inspect these documents either on Council's website (unless there is an unreasonable additional cost to Council to publish these documents on the website) or at the office of the Council during ordinary office hours.

2. **FORMAL** Application for example:

- In limited circumstances, access to information will require a formal access application.

Under the Act, agencies (Council) have twenty (20) working days to make a decision on an access application. This process is explained in more detail below (5.4).

Please see 5.6 Fees & Charges for fees payable.

5.4 Making a Formal Application

While we proactively release information to the community about our activities, the Government Information (Public Access) Act 2009 provides a formal means of requesting access to information held by Council that is not normally publicly available.

Requests for access to information (formal requests) must be made via the approved form and be accompanied by an application fee. You must provide sufficient detail to enable Council to identify the information requested.

Please note, an application will be invalid if it seeks access to excluded information of Council or does not meet the formal requirements for an access application. An application must

- be in writing;
- specify it is made under the GIPA Act;
- state an Australian Postal address;
- be accompanied by the \$30 fee; and
- provide sufficient detail to enable Council to identify the information requested.

The relevant application forms can be obtained from Council's office located at 29 Rusden Street, Armidale.

It should be noted Council may undertake third party consultation on public interest considerations where necessary.

5.5 Submitting your Application

Completed applications should be sent to:

The General Manager
PO Box 881
ARMIDALE NSW 2350
or email: newa@newa.nsw.gov.au
or Fax to: (02) 6771 1893

5.6 Fees & Charges

The formal application processing fee is \$30.00 (GST free). Cheque or money-order must be made payable to New England Weeds Authority.

In addition to the application fee, you may be charged for the following:

Processing charge is \$30/hour (GST free). The Processing charge is for the time necessarily spent dealing efficiently with the application.

Clause 9 of the GIPA Regulation provides that: *An agency is required to reduce, by 50%, the processing charge payable under the Act for dealing with an access application if the applicant provides evidence that the applicant:*

- (a) is the holder of a Pensioner Concession card issued by the Commonwealth that is in force, or*
- (b) is a full-time student, or*
- (c) is a non profit organisation (including a person for or on behalf of a non-profit organisation).*

Section 127 further provides that agencies have a general discretion to waive, reduce or refund any fee or charge under the GIPA Act in circumstances where they consider this is appropriate.

Part 6 - Review of Decisions

What to do for a review if you are not satisfied with any decision about your right to information application.

6.1 Internal Review

Step 1 – Request an internal review (optional)

You may wish to apply to Council for an internal review of the original decision. If you have any difficulty in obtaining access to Council documents, you may wish to refer your enquiry to the Public Officer. Also, if you would like to amend a document of Council which you feel is incorrect it is necessary for you to make written application to the Public Officer in the first instance.

Your application for internal review must be made within 20 working days after the date of the written notice of the decision and be accompanied by the \$40 fee as provided for under section 85 of the GIPA Act.

A person authorised by the General Manager and senior to the original decision-maker will review your application and inform you of the review decision as soon as practicable but no later than 20 business days after the internal review application is made to Council. Reasons will be given if access or amendment is still refused.

To apply for an internal review, submit application form to:

The General Manager
New England Weeds Authority
P.O Box 881
ARMIDALE NSW 2350

or email: newa@newa.nsw.gov.au

or fax to: (02) 6771 1893

or telephone (02) 6770 3602 during office hours 7.30am – 4.30pm Monday to Friday.

6.2 External Review

Step 2 – Request an external review

If you are not satisfied with the Council's internal review decision, you may wish to apply to the Office of the Information Commissioner for an external review.

Alternatively, you can apply directly to the Office of the Information Commissioner for an external review of Council's original decision.

The Information Commissioner may change or confirm the decision made on your application or try to mediate a settlement between parties.

For more information about requesting an external review, visit the Office of the Information Commissioner New South Wales.

6.3 Internal Hierarchy Chart Relating to Access to Information

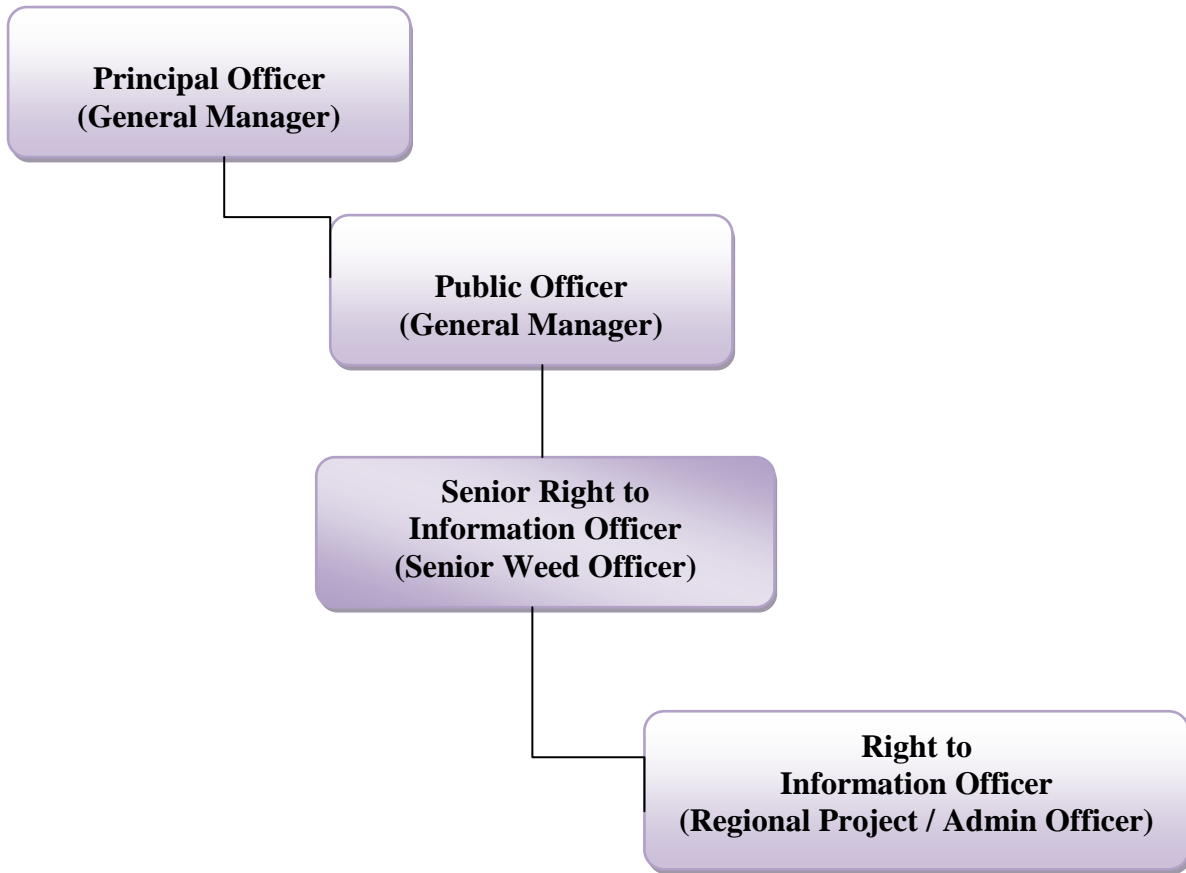


Chart Two: Internal Hierarchy Chart Relating to Access to Information

Part 7 – Feedback and Enquiries

As mentioned previously, Council has a range of documents that can be accessed in varying ways. Most documents can be inspected at and obtained from Council's Administration offices between the hours of 7.30 am and 4.30 pm, Monday to Friday (except public holidays).

For further enquiries about any document, the Right to Information Officer should be contacted.

If you experience any difficulty in obtaining documents or information, you should contact the Senior Right to Information Officer.

7.1 Contact Arrangements

Applications and enquiries regarding Government Information (Public Access) Act should be addressed to:

The General Manager
New England Tablelands (Noxious Plants) County Council
P.O Box 881
ARMIDALE NSW 2350

or email: newa@newa.nsw.gov.au

or fax to: (02) 6771 1893

or telephone (02) 6770 3602 during office hours 7.30am – 4.30pm Monday to Friday.

7.2 Office of the Information Commissioner – Information & Privacy Commission NSW

Please note for further information the Office of the Information Commissioner should be contacted at ipcinfo@ipc.nsw.gov.au or telephone 1800 472 679 or visit the New South Wales Office of the Information & Privacy Commission website at www.ipc.nsw.gov.au/contact-us-0

For further details about the NSW Privacy and Personal Information Protection Act, will be on the Privacy NSW website at www.privacy.nsw.gov.au